

REMARKS/ARGUMENT

Claim 1 has been amended to require the presence of a β -spodumene phase. Support for this amendment exists throughout the present application, including page 13, line 19 and page 15, line 10.

Claims 1-8 and 11-21 are currently pending.

The Office Action maintained the rejections of the pending claims under 35 U.S.C. § 102 as anticipated by U.S. patent 5,691,254 (“Sakamoto”) and U.S. patent 5,866,239 (“Shimatani”), and/or under 35 U.S.C. § 103 as obvious over Sakamoto or Shimatani in view of Wennemann, Kornbluth, Martin, Krause, Pourney, and/or Mewissen. Central to all of these rejections is the assertion that Sakamoto’s and Shimatani’s glass products inherently possess the L*, a*, b* values required by the claims.

The Office Action asserted that in the previously-submitted Rule 132 declaration, “it was shown that the presence of the beta spodumene is required, but the claims do not recite such presence,” and that “[i]n absence of any other recited structure or composition that distinguishes the prior art composition from that of the claimed composition, the claimed glass ceramic plate is deemed met by the applied prior art.”

The claims have been amended to require the presence of a β -spodumene phase. The applied art neither teaches nor suggests the invention glass-ceramic plates having the required β -spodumene phase.

As explained in the previously-submitted Rule 132 declaration, glass-ceramic products with similar compositions can have different L* values depending upon the heat treatment to which they are subjected. (Rule 132 declaration, par. 3). Depending upon heat

treatment, beta-quartz and/or beta-spodumene phases can develop -- the presence and/or absence of these phases, as well as the relative proportions of these phases, can affect the L* value and the visual appearance of the glass-ceramic plate. (Rule 132 declaration, par. 3). Thus, the heat treatment to which a glass-ceramic plate has been subjected can affect the presence and/or absence of beta-quartz and/or beta-spodumene phases which, in turn, can affect whether the glass-ceramic plates have a transparent, hazy (i.e., milky) or opaque appearance. (Rule 132 declaration, par. 3). When adding a colorant to a transparent glass-ceramic composition, one can obtain a black material -- its optical transmittance in the visible range can be adjusted with colorant concentration in the glass-ceramic composition. (Rule 132 declaration, par. 3).

In Shimatani, the glass-ceramic plate reportedly has only beta-quartz crystals and has a black appearance. (Col. 2, lines 39-41). Given that the preparation procedures in Sakamoto and Shimatani are similar (compare col. 6, lines 35-45 of Sakamoto with col. 6, lines 53-60 of Shimatani), it follows that Sakamoto's plate is also black and contains only beta-quartz crystals. (Rule 132 declaration, par. 4).

In contrast, as exemplified on pages 14-15 of the present application, the claimed glass-ceramic plate includes the beta-spodumene phase -- this allows for a more hazy appearance. (Rule 132 declaration, par. 5). With no colorant, the appearance of the glass-ceramic panel is substantially white. (Rule 132 declaration, par. 5).

Thus, despite having similar compositions, the claimed glass-ceramic products differ from Sakamoto's and Shimatani's black products, and this difference is primarily reflected in the L* value.

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The Office Action recognized that neither Sakamoto nor Shimatani expressly teaches or suggests such a composition. As explained above, neither reference inherently teaches or suggests such a composition either.

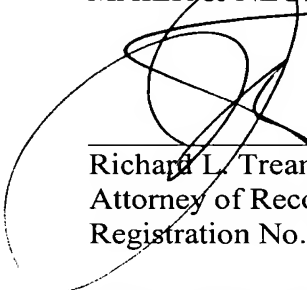
The numerous secondary references cannot compensate for this fatal deficiency. None of the cited references teaches or suggests a glass-ceramic composition having the required L*, a*, b* values.

In view of the above, Applicants respectfully request reconsideration and withdrawal of all of the pending rejections under 35 U.S.C. §§ 102 and/or 103.

Applicants believe that the present application is in condition for allowance. Prompt and favorable consideration is earnestly solicited.

Respectfully submitted,

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